

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

SUDARSHAN NELATURY,
Plaintiff,

v.

THE PENNSYLVANIA STATE
UNIVERSITY, RALPH FORD,
Defendant.

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Civil Action No. 1:21-cv-279

ORDER

Before the Court is Plaintiff Sudarshan Nelatury's Motion to Strike, Dkt. 136. Plaintiff argues the Court should strike Defendants' Reply Memorandum in Support of Summary Judgment, Dkt. 133; Reply to Statement of Undisputed Material Facts, Dkt. 134; and Appendix to Reply, Dkt. 135. The Court instructed Defendants not to file an opposition to Plaintiff's Motion to Strike, having already received all the briefing needed to resolve the parties' motions to strike. Dkt. 141 at 45–46. The Motion is thus ripe for disposition.

Plaintiff's motion to strike is meritless. He argues that Defendants did not seek leave of Court to file a reply to his counterstatement of facts and declares that "[n]either Rule 56 nor the Local Rules contemplate a Reply to the Memorandum and Fact Statement." Dkt. 136 at 2. That is incorrect. The local rules state that "the moving party may reply to the opposing party's submission [in opposition to summary judgment] in the same manner as set forth in LCvR 56.C." LCvR 56.D. So everything a party may file in opposition to a summary judgment motion—statement of facts, memorandum, and appendix, LCvR 56.C—may likewise be filed by the summary judgment movant in reply, LCvR 56.D.

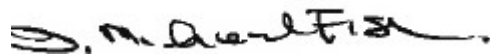
Plaintiff argues that Defendants' Reply in Support of Summary Judgment "is more akin to a second motion for summary judgment or motion to strike." Dkt. 136 at 5. To the contrary,

Defendants' reply brief does exactly what a reply should do: it responds specifically to Plaintiff's arguments and explains why, in Defendants' view, summary judgment should be granted.

Plaintiff criticizes Defendants for describing the portions of his Counterstatement of Facts that they believe should be stricken, but this is responsive to the Court's ruling that it would resolve Defendants' motion to strike in conjunction with the motion for summary judgment. Dkt. 123. Plaintiff takes Defendants to task for the length of their Reply to Statement of Undisputed Material Facts. Dkt. 136 at 11, 14. This is particularly inapt. The length of Defendants' Reply Statement was caused by the excessive length of Plaintiff's Counterstatement, which included pages upon pages of legal argument and baseless *ad hominem* attacks on parties and witnesses.

Plaintiff's other arguments are similarly unsuccessful. The Motion to Strike, which represents yet another way Plaintiff has increased the length and complexity of this litigation, is DENIED.

DATED: January 16, 2025



D. MICHAEL FISHER
UNITED STATES CIRCUIT JUDGE